

# Intellectual Discourse

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# 1 **Revisiting Southeast Asian Civil Islam: Moderate Muslim and Indonesia's Democracy Paradox**

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## 1 **Abstract**

There has been an intensive scholarly debate about the development of Indonesia's post-New Order democracy. Some scholars have lauded Indonesia's surprisingly successful transition to democratic consolidation, while others have dispute such notion, arguing that Indonesia's democratic process tends to be stagnant and even regressive. However, the absence of progressive civil society as a result of the increasingly dominant position of oligarchic political elites in the structure of state power and democratic institutions, are a number of important factors that encourage the decline of democracy. This article investigates the conditions that drive the role of moderate Islamic organizations (or what Hefner calls a civil Islam) were declining rather than increasing in fighting for a democratic agendas. Referring to the research data obtained through interviews, documentation and also case studies on Nahdlatul Ulama (NU) activism -the largest moderate Islamic organization in a predominantly Muslim country (Indonesia)--, this article argues that the decline of civil Islamic organizations is closely related to fragmentation and the strengthening of conservative wing especially among the internal moderate Islamic organizations. At the same time, the decline of the organization which had a glorious reputation as a champion of tolerance, pluralism, and democracy in the 1980-1990s period, had implications for the regression of Indonesian democracy marked by, among other things, the exclusion of religious minority groups such as Shia from the public sphere.

Key Words: Nahdlatul Ulama, Civil Islam, Religious Freedom, Public Sphere and Democracy

## **INTRODUCTION**

The correlation between civil society and democracy always triggers intensive debates among scholars. Some consider civil society as a progressive or reformist force to drive social change and democratization. The argumentation is that **civil society plays an important role in**

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controlling, balancing and fighting against state power's dominance (Cohen and, 1992), driving political trust, political discussion and growing political efficacy (Almond and Verba, 1963), facilitating, communicating and mediating society and state's interest through a number of mechanisms (Schmitter, 1997). The remainder considers that the correlation between both of them is not causal, where strong civil society will certainly lead to democratic maturation and, on the contrary, weak civil society will lead to democratic decline or failure. However, not all civil societies are liberal-progressive and appear as --borrowing Gramsci's term-- organic intellectual that always struggles for public interest. In fact, many even show their conservative political attitude by backing up the ruling class (Richard Robinson, 2004). Other evidence shows that even strong reformist civil society does not automatically make democratization process run smoothly. Ndegwa and Clark's study, for example, shows that civil agents successfully drive democratization when they become part of social movement and their success is also determined by political availability (Ndegwa, 1994: 19-36; Clarke, 1998).

At the same time, some scholars also pay serious <sup>46</sup> attention to the development of civil society and democracy in Muslim world. Generally, they argue that they have incompatible relationship. Elie Kedourie (1992) argues that Muslim teachings, norms, attitudes and behaviors have shaped Muslim's typical and far-from-modern political view. Similar opinion is proposed by Bernard Lewis (2002) stating that Islam is understood by its followers as a perfect system, which <sup>51</sup> is a system that regulates all aspects of a Muslim's life on the basis of God's law (Sharia). Therefore, secularism, as an important factor in modern social and political life, cannot emerge and develop among Muslim society. Such condition makes Muslims, as stated by Huntington, take exclusive attitude towards and are reluctant to learn other political system, observe democracy's pros and cons. Huntington (1997) argues that democratic failure in Muslim States is caused, among other, by non-friendly Islamic cultural

and people's character towards Western liberalism concepts. Although there are Islamic liberal groups, they will still be hostile to Western political culture.

Scholars believe that Islam and democracy do not have a compatible relationship and also believe <sup>13</sup> that civil society, which is an important factor for democracy consolidation, also cannot emerge in Muslim society (Schmitter, 1997). There are some kinds of 'Islamic civil society' like *zakat* and *Sadaqah* (Islamic philanthropy) institutions which may become the basis for civil society growth. However, secular civil society which is not built based on <sup>5</sup> Islamic norms and law is something alien to Islamic tradition. In Ernest Gellner's observation (1994), the non-existence of strong civil society in Muslim world is caused more by Muslim society's character itself where social solidarity is created based on a combination between Islamic and ethnic solidarity. This condition validates and strengthens the State instead of serving to bring out relatively autonomous and independent civil society from state intervention.

However, a number of scholars also have more positive view regarding the correlation between Islamic civil society and democracy. Effendy (1998), Abdillah (1999) and Hefner (2000), for example, <sup>5</sup> believe that Muslim elites generally have positive opinion of and attitude towards democracy. Hefner, by introducing the concept of 'Civil Islam', explains the development of democracy in Muslim world, especially Indonesia. In his opinion, civil Islam has plays an important role in developing civil culture, increasing political participation, balancing and even overthrowing the power of Suharto's authoritarian regime through the 1998 reform movement (Hefner, 2000). Similar opinion is presented by Saiful Mujani (2007) considering that the existence of Islam (in Indonesia) is not in conflict with democracy. Instead of in conflict, Islam makes important contribution to driving democracy maturation in Indonesia after the New Order. Eventually, whether Islam supports democracy or otherwise will highly depend on the social agents that play an important role in determining the

inclusive or authoritarian truth of a religion, since religion is nothing, but believers and those who make claims of authentic understanding of truth are higher (Bayat, 2011).

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This article argues that the existence of civil society is an important element for the success of democracy, but the correlation between both of them is not always linear. The argumentation is that civil society is in fact plural and also dynamic. Although civil society is derived from civil organization which is known to be progressive, but not in all situations and condition is it able to display its progressive role. Such a view seems to be relevantly addressed to Nahdlatul Ulama (NU); a moderate and tolerant Islamic organization (Barton, 2002), actor of civil Islam (Hefner, 2000), leading pillar of democracy and civil society (Bruinessen, 2004, 2008, 2012) with about over 90 million members out of total Muslims in Indonesia. As a representation of Islamic civil society with moderate religious ideology, however, it is important to study NU's existence in and contribution to the development of democracy in Indonesia. The fact that NU had struggled for tolerance, pluralism, human rights (HAM), and democracy in 1980s-1990s (Bush, 2009; Mietzner, 2009; Fealy, 2007) is a reasonable reason to make it a challenging research subject. It is on this organization's shoulder that Islam in Indonesia has been successfully displayed as a compatible value, norm and cultural system to democracy. It is also thanks to NU that in the long course, Islam in Indonesia is widely known as friendly, tolerant, moderate and democratic Islam, or – borrowing Martin van Bruinessen's term (2013)-- popularly known as smiling Islam.

Although NU has the status of a progressive Islamic civil society organization, but in its development, it does not really successfully maintain its consistency in struggle for democracy. In most experts' criticism, NU's contribution to the struggle for democracy agenda is not as progressive as it was in previous periods (1980s-1990s). Although the space of freedom is quite wide open and there is no repressive regime after the New Order, it does not make it more cohesively consolidated as a progressive civil society agent. Instead of

getting more consolidated, it even gets fragmented into groups with not only varied, but also contradictory in political struggle and interest orientation. In addition, the progressive group loses its authoritative patron after Aburrahman Wahid's death, making it more difficult for it to face the wave of revival of conservative group within NU's body (Fealy, 2007; Aspinall, 1998).

However, the decline of Islamic civil society's progressive role leads to a decline in democracy in Indonesia after the New Order. Many scholars consider that not only the democracy development after the New Order is stagnant, but it is regressed. After developing <sup>21</sup> in 1998, 1999, and 2005, Indonesia's democracy indexes, particularly in terms of civil freedom and citizen's political rights, are at a stagnant position of 2 and 3. The <sup>21</sup> Freedom House detects a decline in civil freedom between 2006 and 2010. Similar opinion is stated by a number of institutions such as Polity IV Index and World Bank assuming a decline in Indonesian democracy in a number of fields of civil freedom, minority rights, governance accountability, and others (Mietzner, 2012).

Moreover, this paper examines the dynamics of Islamic civil society's role in struggle for democratic agenda in Indonesia after the New Order. By taking a case study of NU organization in Jember (East Java), it finds a fact that the role played by agents of this Islamic moderate organization is not really progressive. This organization's consistency in struggle for tolerance, pluralism and religious freedom, particularly for minority groups in public space is not as prominent as that in 1980s-1990s. It argues that there are at least two main factors causing such a decline of NU's progressive role, first, fragmentation and political contestation, and second, the rise of religious conservative among Indonesian Muslim community. However, the declining progressive role of Islamic civil society seriously leads to a democratic deconsolidation as marked with exclusion of religious minority groups from Islamic public space.

## **NAHDLATUL ULAMA (NU) AS CIVIL ISLAM**

NU is an Islamic traditionalist organization established by *ulama pesantren* (religious leader of traditional Islamic boarding school). This organization is a response to a number of important events, two of which are: first, political change in the Middle East in 1924 related to Caliphate abolition by Turkey and Wahabi's attack on Mecca, and, second, traditionalist ulama's disappointment at the Al-Islam congress in Bandung (a meeting between reformer organizations which decided to dispatch delegates consisting of two individual reformers to Mecca). This congress did not respond to Kyai Wahab Hasbullah's recommendation to have the traditionalists' proposal of religious practice brought to the Indonesian delegates. This reformers' rejection triggered the traditionalists to establish an organization to represent traditional Islam, which was NU on January 31, 1926 (Feillard, 1999).

In its development, NU became the biggest religious and social organization in Indonesia which in its activities made a lot of contacts with public interest, including social, cultural, economic, or religious interests. Since most of its followers were rural Muslims, many of NU's activities were oriented in developing and empowering such low-class Muslims. For ease of performance, NU administrators at central level developed branches at regional levels. In 1933, NU members were predicted up to 40,000 people and a year later, a source from the Dutch Government stated that 400 Kyai had joined NU. In 1935, NU members leapt to 67,000 people, distributed in its 76 branches. In 1938, NU had 99 registered branches with 100,000 members. During Japanese occupation (1942), NU had 120 branches (Fealy, 1998). In its development until now, PBNU (Executive Board of NU) has had branches almost in all regions from provincial level (PWNNU/Regional Administrator of NU) to regency level (PCNU/ District Board of NU), sub-district level (MWCNU/Branch Area

Assembly of NU) and even village level (Sub-Branch NU). In addition, NU also develops some autonomous bodies and agencies, both structurally and culturally, affiliated to it, such as *Muslimat* (NU Women's Organization), *Fatayat* (NU Younger Women's Organization), *Ansor* (The Young Men's Branch of NU), and others. Until 2019, the members of NU are estimated up to 90 to 120 million people (Wikipedia.org/wiki/Nahdlatul\_Ulama; <sup>39</sup> <http://muslimedianews.com/2014/05/jumlah-warga-nu-83-juta-jiwa-di.html>).

NU's status as an civil Islam had ever changed in line with the radical measures made by this organization's elites to make NU a political party in its congress in Palembang at the end of April 1952. This organization was reoriented because of political <sup>3</sup> **conflict between the traditionalists and the modernists** in **the** Islamic political party, Masyumi. The political competition between the two groups led to alienation of the traditionalists from Masyumi party's power structure as well as State power. In experts' opinion, the appointment of Fakhri Usman, a modernist from Muhammadiyah, as Minister of Religious Affairs in April 1952 triggered of discontinuance of relationship between the traditionalists and the modernists. In its standing as a political party, NU dealt with many political practices and successfully took the third position in the votes of general elections 1955 and 1971 (Feillard, 1999; Bush, 2009). In its journey, NU must have faced bitter fact with the New Order regime's policy (1980s) regarding simplification of political parties into only three parties: PDI <sup>41</sup> **(Indonesian Democratic Party of Struggle)**, PPP **(United Development Party)**, and Golkar <sup>55</sup> **(the State Political Party under the New Order)**. All Islam based parties, including NU, were forced to merge into PPP. It is in this period that the political conflicts involving the traditionalists and the modernists were repeated. Once more, NU must have faced the bitter fact of its alienation from PPP and at the same time its substitution into the New Order regime's power. It was because of this disappointment and also competition in NU internal body between political and cultural oriented *ulama* that NU made a resolution in its congress in Situbondo (1984) to



return to its *khittah* (guidelines, basis) to be a social-religious or Islamic civil organization (Feillard, 1999; Bruinessen, 2013; Bush, 2009).

As part of NU at central level, NU Jember (East Java) –which becomes the focus of this study—has exactly the same social-political dynamics with those of its parent. Its status also repeatedly changed from Islamic civil organization since its establishment in 1934 to a political party in 1952, and returned to Islamic civil organization in 1984. It was after returning to its *khittah*, as an Islamic civil organization, that NU Jember’s organizational dynamics were much in touch with social, educational and religious activism. Practically, from mid-1980 to 1990, NU Jember was fully involved in society empowerment programs, struggle for human rights, gender equality, tolerance, pluralism and democratization promoted by elites at national level. Under the leadership of two progressive ulama, K.H. Achmad Siddiq/ *Syuriah* Chairman (from Jember) and K.H. Abdurrahman Wahid/ *Tanfidziyah* Chairman (from Jombang), NU, both at central level and local level like Jember, became a progressive Islamic civil organization which played an important role in driving social change and democratization process. In the 1998 reform movement promoted by students and civil society reformers, NU played an important role in the mass actions leading to abdication of Suharto (Hefner, 2000; Bush, 2009).

Until now, NU Jember has successfully taken a position as a complex Islamic civil organization with the biggest mass, that its leadership structure consists of a chairman of *Tanfidziyah* (Administrative Council) and *Syuriah* (Supreme Council). It has branches exist in sub-districts and sub-branches in villages in almost throughout Jember Regency. It has various organizations, including *Muslimat*, *Fatayat*, *Ansor*, GMNU (Young Generation of NU), PMII (Indonesian Students Association), IPNU (Union of NU Students) and IPPNU (Union of NU Girl Students), ISNU (Union of NU Bachelors), Indonesia Muslim Labor Union (Sarbumusi), and other various affiliated organizations. It has educational foundations

such as *Lembaga Ma'arif* (Institute of Education of NU) and RMI (Pesantren Institute), and *Tariqah Naqsabandiyah wa Qadariyah* network with thousands of followers. Its members manage more than a hundred *madrasah* and schools, dozens of *pesantren*, some Islamic higher schools, academies, colleges, and universities. *Lakpesdam* (Institute for the Study and Development Human Resources) and *Lajnah Bahtsul Masail* (Committee for Religious Problem Solving) are often involved in society empowerment programs.

In practice, NU Jember gives its members shared religious experience and discourse, including study, prayer and religious activities. It is also highly concerned with strengthening Islamic teaching *Ahlu Sunnah wal Jama'ah An-Nahdliyah* (those who follow any of the four *mazhab* and is used by traditionalist Muslims to differentiate themselves from modernist Muslims) through various activity forums such as two-week routine study at PCNU office, *halaqah* (religious discussion forum), *bahtsul masail* (religious problem solving), and book publication. These shared life experiences makes communication easier and, under appropriate conditions, may encourage trust. NU also gives them opportunities to develop their leadership and organizational skills. The success in building network and collecting money from various parties of governmental institution and private sector teaches confidence and empowers local leaders in path shows that there are relative great sources of altruism among Jember people.

Besides, NU Jember also gives its members opportunity to learn how to participate in politics such as general election, Presidential election and head of region election. During the New Order, NU Jember gave contra-hegemonic or compromising model with local power ruler. NU's change of political attitude throughout the New Order era, like that of NU at national level, also teaches its members of how to flexibly adapt to the existing political system. NU's ever changing political attitude is often criticized by Western experts and modernists as a form of political opportunism or inconsistency. Ernst Ultecht calls it a

political party with ultra-high opportunism. Mochtar Naim marks NU's tendency to be opportunistic in political scene. Daniel Lev considers that NU's opportunism is understandable and occasionally too much. However, many experts also consider NU's such political attitude as a form of flexibility in response to the existing changes (Utrecht, 1959; Naim, 1952; Lev, 1966; Fealy, 1998).

The existence of NU Jember organization as well as its role in the society certainly gives high hope for the development of democracy at local level. Moreover, after the New Order, the executive leadership in this organization's body has been held by intellectual elites with cosmopolite discourse, who are K.H. Muhyidin Abdusshomad (2000-2010) and K.H. Abdullah Syamsul Arifin (2010-now). However, in the two periods of NU intellectuals' leadership, NU's journey with its interaction with the power and the society does not always run progressively. However, NU Jember <sup>3</sup> also has some weaknesses as a "free school of democracy". Banfield's description of *amoral familism* in Italia represents world view which also takes place in NU community. There are often problems with no transparency, nepotism, collusion and corruption in NU body and its affiliated organizations. There are gossips spreading of perverted government assistance, structural elites getting to pragmatic in politics, and so on.

## **FRAGMENTED CIVIL ISLAM**

In the post-Suharto years, NU Jember are involved in political activism. NU Jember's involvement in encouraging PBNU to establish its own political party and harmonization as shown with its political party, the National Awakening Party (PKB), shows that the Islamic civil organization is involved in the establishment of primordially patterned political party. Objectively, the emergence of PKB, and other religious based parties, may be understood as Muslims' response to the existing chances and their participation in directing the politics after

the New Order. Subjectively, formation of political party cannot be separated from individual and communal interests. According to Smith, religious based parties emerge in response to latent and actual conflicts existing in a multi-religion society in order to protect communal interests. Religious community becomes politicized in conflict situations, even if the real issues are social, political, and economic (Latif, 2005: 403).

More interestingly, the initiators and declarers of the NU based political party formation are the intellectuals and activists who are actively involved in social change and democratization movement in 1980s-1990s. Among the reformist intellectual-activist elites are K.H. Muhid Muzadi (one of fathers of *khittah*), K.H. Muhyidin Abdusshomad (religious elite and gender activist), K.H. Wasil Sarbini (pluralism activist), K.H. Yusuf Muhammad (leader of *pesantren* Darus Solah), and most of NU progressive young intellectuals-activists. What they desire is an inclusive, pluralist and nationalist political party. In their argumentation, an administrator of NU and declarer of PKB states:

“.....not merely random political party, we desire a format of party which is truly inclusive, pluralist and nationalist. Through such a platform, the political party established by NU is expected to become a reformist political party which participates in struggle for realization of democratic socio-political life in Indonesia. In other words, it is not an Islamic party, but a party which is driven, motivated and guided by *diniyyah* (religious) measures (interview with K.H. Muhid Muzadi, 15/12/2016).

Meanwhile, PKB's success in maintaining in its votes in the first ranking or minimum in the first three ranking since the general election after the reform (1999-2014) cannot be separated from the primordial relationship with its basis of support, NU. In election 1999, for example, PKB gains 498,989 votes (DPRD II), 500,602 votes (DPRD I), and 406,410 votes (DPR RI). With these amounts of votes, PKB has its representatives of 17 people (DPRD II), 3 people (DPRD I), and 3 people (DPR RI). Nationally, PKB gains 13,336,963 or 12.6 percent of total votes of 105,845,937, and successfully takes the fourth position of the biggest political parties. The same occurs in legislative election 2004, that PKB successfully

maintains its ranking to be the first with 487,894 votes, the second ranking is PDI-P with 222,244 votes, the third ranking is Golkar Party with 174,929 votes, the fourth ranking is PPP with 126,533 votes, and the fifth order is Democrat Party with 77,027 votes. In line with stronger disintegration in PKB since 2004, this NU political party's votes sharply declines in election 2009 that PKB takes the third ranking together with PKNU which is a fragment of PKB. The two political parties, underlying on NU mass basis, equally gain 6 seats in DPRD Jember. Meanwhile, the first and second rankings are Democrat Party (9 seats) and PDI-P (8 seats) (KPUD Jember, 2010).

Over time, the existence of political party is evidently not really strategic to be a political instrument in struggle for democratic agenda. Instead of political party as political instrument to struggle for tolerance, pluralism, religious freedom, civil rights and other democratic agenda, in fact, it serves more as NU politicians' instrument of political practice. Fragmentation by fragmentation among NU politicians in fighting over control of PKB power and in fighting over access to local power since 2000 until now become a clear indicator of how dominant the NU politicians and activists' practical-pragmatic interest is, most of which are liberal, in the sense of not oriented in formal religious and State integration as imagined by the Islamists (Fealy, 2019), but it cannot be denied that their political attitude and behavior are very conservative and pragmatic.

Meanwhile, the relational pattern between NU-political party-power based civil organizations is full of short-term instead of long-term political relationship. Political deals in determining legislative candidates and regent and vice regent candidates in regional head election shows its primordial-transactional character. It is public secret that candidates who are to get the ticket as potential official, bureaucrat and particularly potential regent-vice regent from NU-PKB must submit dowry, especially in the form of material or power reward. There are no many objective agendas regarding public interest generated from such a

relational pattern which is later taken as a common platform to forge an alliance with strategic groups in struggle for democratic agenda (Evers & Schiel, 1968).

Moreover, many NU based Islamic civil organizations are coopted by the ruling regime and politicians with pragmatic interest. Multiple administrations in NU make such organizations utilized by politicians as their political practice instruments. For example, some certain political party administrators also serve as administrators of NU branch or sub-branch, leaders of *Ansor* and *Sarbumusi* also serve as chairman of certain political party. Since NU based organization elites are also active in local political scene, they also use their institution as an instrument to mobilize the mass (Abdul Qodim, 22/10/2017; Nur Hasan, 1/11/2017). Such a condition makes such various NU civil associations not only unable to be autonomous and independent, but also coopted by power and even fragmented into various groups with their agenda, orientation, and political interest which are not only varied, but also in conflict (Hadiz, 2009). Politically, many of them choose to build relationship with ruling regime, some others do not take the same path neither perform something worthy, while only few remain take initiative to develop reform movement in one and other forms (Abdul Qodim, 22/10/2017; Ahmad Taufik, 1/11/2017).

## **CONSERVATIVE TURN**

One of the serious challenges faced by the progressive Islamic civil society agents like NU is the rise of religious intolerance and discriminative attitude towards minority groups. Surprisingly, these conservative groups gain momentum to grow and rise in the freedom era after the New Order. Although their number is not really high, but their existence has strong influence both at NU *jamiyyah* (organization) and *jama'ah* (community) levels. More terrifically, these conservative groups are able to influence public and political life greater compared to their actual number in NU community. In the structure of PCNU Jember,

conservative elites take important positions from leaders of *Syuriyah*, *Tanfiziyyah*, to autonomous bodies such as *LBM*, *Lakpesdam*, and others. These groups also have big influence in formation of Islamic thinking discourse among *nahdliyin* (traditionalist Muslim community). There are at least three issues of NU conservative wing's concern: *first*, strengthening of *Aswaja* doctrine; *second*, fight against radicalism and Islamic liberalism; and *third*, regulation of sharia based religious life.

Undoubtedly, NU conservative wing becomes the most attractive and militant group in strengthening and defending *Aswaja*, particularly from the attack of Islamic fundamental-radical groups such as Wahabi and Salafi. However, the formulation and movement of *Aswaja* they make tend to be conservative and normative because of their highly textual and dogmatic interpretation of NU's principle teaching. *Aswaja* is only made a standard and rigid theological doctrine and dogma. This is clearly different from the interpretation of the progressive group which formulates *Aswaja* not only as a doctrine, but also as a methodology of thinking and movement to solve various Islamic, national and humanity problems. In practice, the conservative group also takes the opposite position of Islamic democratic ideas fought for by the progressive group <sup>4</sup> such as human rights, gender equality, pluralism, and the likes (interview with Abdul Qodim, 22/10/2017; Kyai Noor Harisudin, 5/3/2018).

*Lembaga Bahtsul Masail* (LBM) is noted as NU's most aggressive and militant structural institution to confirm *Aswaja* and fight against the fundamental-radical groups that often discredit NU followers' religious practices and rituals. The institution which is filled with NU youths has made reputation of NU Jember as the avant-garde of *Aswaja* at regional and national levels. They have successfully established the *Aswaja* Centre serving as the center for study and transformation of *Aswaja* doctrines. Routine weekly *Aswaja* study, *bahtsul masail*, bulletin publication, books of NU and *Aswaja*, and on line news media, are a number of products of LBM and *Aswaja* Centre's activities. This institution has even

successfully introduced a popular *Aswaja* defending figure (Kyai Idrus Romli) who is actively traveling throughout various areas and even overseas in promoting *Aswaja* and countering Salafi-Wahabi teaching (Interview with kyai Noor Harisudin, 5/3/2018).

LBM has also successfully made a breakthrough in fighting against *nahdliyin* liberal-progressive group. They restrict the influence, progress and movement of progressive NU intellectuals-activists both in NU structural administration and among *nahdliyin*. Although there are a number of NU liberal-progressive minded youths in PCNU administration, but they almost have no power and chance to transform their Islamic democratic ideas. The pluralism, religious freedom or tolerance and anti-sectarianism ideas which are the concern of progressive *nahdliyin*'s thinking and struggle have no place in NU. Moreover, some of them who are vocal and non-accommodating to conservative elites' thinking must accept bitter fate of getting kicked out of PCNU administration (interview with Nur Hasan and Ahmad Taufik, 1/11/2017). Such condition strengthens the view <sup>20</sup> that the Islamic revival and particularly the rise of fundamentalism, would seem to reduce even further the likelihood of democratic development (Hashemi, 2009: 30).

Attractively, the NU conservative group highly desires to widen its influence, particularly at PBNU level. They are in need to set up and capture NU administration in order not to be dominated by the moderate-progressive group. Therefore, in the NU 32<sup>th</sup> National Congress in Makasar (2010), LBM maneuvers to block liberal-progressive elites from controlling PBNU. Through the FKM (*Forum Kyai Muda/Young Kyai Forum*) of East Java, LBM with support of some ulama from East Java makes a "*tabayun* forum" to adjudicate (not merely to clarify) NU leading figures deemed as liberal, K.H. Said Aqiel Siradj with his allegedly Syi'ah-biased thinking and Ulil Absor Abdalla as the activist of Liberal Islam Network (JIL) (2009), in *Pesantren Bumi Sholawat*, Sidoarjo (East Java). At the end of the *Tabayun* (Clarification) Forum, they make a resolution that the two NU figures' thinking does



not confirm to the real NU *Aswaja* teaching. The two figures' thinking is also deemed endangering NU young generation that it is considered misleading. They also recommend the two figures to return to the correct path of *Aswaja* teaching as stated in NU's decision. There are 8 items of conclusion in the *Tabayun* Forum, especially in Ulil case, among other "liberalization of belief taught by JIL, for example, that all religions are equal, and of pluralism are contradictory to the faith of Islam *Ahlussunnah Waljamaah*"<sup>38</sup> (<http://dutamasyarakat.com/artikel-24244-jil-tak-bisa-dikaitkan-dengan-nu-.html>)

Together with other conservative elements like MUI, the *nahdliyin* conservative group is also involved in arranging religious life which tends to be sectarian and non-pluralist. For example, in religious nuance conflict cases such as destruction of *pesantren* Rabbani by a group of mainstream Muslims (2012) and Sunni-Syi'ah conflict in Puger, Jember (2012), the *nahdliyin* conservative in cooperation with Regency Government, security forces (Polri/TNI), Ministry of Religious Affairs of Jember Regency, FKUB, and MUI make a resolution to the conflict disregarding the pluralism values. Collectively-institutionally, the conservative group issues fatwa and written agreement for the religious figures indicated to develop Shia teaching and other Islamic non-mainstream teachings to repent and return to the Islamic correct teaching under *Aswaja* (NU on line, 2012).

Besides, there is also LPAI (Institution of Islamic Morality Development) which militantly struggles for morality and sectarianism issues, particularly anti-Christianity sentiment. As stated by this moralist-symbolic-religious organization leader, K.H. Hamid Hasbullah (7/2/2018), what underlies the establishment of this organization at that time is the anti-Christianization spirit, since ulama in Jember are very concerned about the development of Christianity as well as establishment of their worship places. Additionally, LPAI is also concerned for struggling for religious morality enforcement in public space issues, particularly related to immoral problems such as prostitution, pornography, porno-action, and

the likes. That moral institution also often mobilizes the mass for demonstration, sweeping, or closing of places identified as the source of immorality.

In practice, LPAI does not only use *dakwah* media, but also utilizes power as its instrument. These moralist proponents do not only actively mobilize the mass for demonstration, coming to security force, and forcefully closing immoral places, but, moreover, they also actively influence local government and legislative's (DPRD) policy to issue regulation to regulate the society morality pursuant to sharia principle. The Anti-Immorality Local Regulation of which implementation is realized in closing of localization Puger and immoral places is the achievement of this symbolic-moralist-religious group. They also successfully encourage the ruling regime to make Regent Regulation of the Al-Qur'an reading and writing program and of obligation for female students of public schools (SMP/Junior High School to SMA/Senior High School) to wear clothes categorized as 'covering intimate parts' into school education curriculum (interview, Kyai Hamid Hasbullah 16/9/2017; Samanhuri, 9/10/2017; Abdul Latif, 29/10/2017).

Not merely forging alliance with the ruling power, NU conservative group also successfully cooperates with security force. With support of the state security force, the project of enforcing moralist-religious agenda runs more effectively, efficiently with stronger legitimacy of state institution. It is also through state instruments that various tensions related to difference in views and faith which are strengthening in Jember may be easily settled. In their opinion, it is natural that the state plays a role in controlling various immoral places and various emerging faith which according to LPAI and MUI fatwa are contradictory to correct Islamic teaching. In such a position, religion has legitimated power that even religion is under the state's power. Borrowing Foucault's term, both state and religion mutually defend or become part of the same regime of truth. Consequently, religion does not hold full autonomy anymore since it is subordinated into State power (Dhakidae, 2003).

## IMPLICATION FOR RELIGIOUS FREEDOM

The strengthening influence of conservative group both in public and political spaces, however, significantly leads to declining role of progressive Islamic civil society agents in struggle for democratic agenda at local level. Therefore, it is understandable that it is not easy for the progressive group to take the central role in influencing public opinion and government policy. In political process, they also find it limited to determine the format of local power to be more –borrowing Hefner’s term— civilized, as they have struggled for from 1980s. Quoting Hefner’s opinion (2000), a civilized government will also be responsible for civil society strengthening, acting through civil ways, and ensuring public rights without discrimination, including freedom of religion and expression, since democracy cannot run properly without state, society, and political elites’ acceptance of the principles underlying the freedom of speech, association and religion (Hefner, 2000; Lipset, 1994).

It is important to note that freedom may be guaranteed if citizens are tolerant to different beliefs followed by other citizens. Normatively, citizens must have equal opportunity to achieve their respective objective pursuant to their social, cultural, religious and political interest backgrounds. These differences will be problematic if there is no tolerance or willingness to accept differences, although it should be acknowledged that tolerance is, actually, not identical to democracy, but tolerance is believed to be an important factor to make democracy work (Sullivan, Pierson, and Marcus, 1982; Mujani, 2007). In the context of Indonesia after the New Order, the rise of religious intolerance and discriminative attitudes keeps strengthening from early period of 2000s and has become a serious threat to democracy consolidation. Many experts argue that the state, society and Islam in Indonesia after the New Order are more conservative and intolerant than those in previous periods (Mietzner, 2013; Menchik, 2019; Hefner, 2019).

Meanwhile, the cases in Jember may be stated as non-exception. Local government's role in making inclusive policy regarding, for example, religious freedom, is not really impressive. The local government is deemed not to have strong commitment to guaranteeing religious freedom, particularly for religious minority. More ironically, the local government is even closes to the conservative Muslims, including those among *nahdliyin*, than the progressive Muslims. In the period of Regent Samsul Hadi (2000-2005), the government almost successfully makes sharia based local regulation in response to the conservative group's pressure in struggle for the "Religious Jember" idea. An investigation finds that the *nahdliyin* conservative group generally does not object the making of sharia based local regulation. They state that "No to Islamic State, Yes to Sharia Local Regulation". The survey conducted by the Freedom Institute also confirms that the perception of the form of state is relatively clear. Almost all respondents answer that Indonesia is not an Islamic state. Some respondents also state that UUD does not state <sup>48</sup> Islam as the basis of the state. This tendency does not really change in two surveys, from 76% (2007) to 72% (2008) (Fauzi & Mujani, 2009).

It is the same with the local government under M.Z.A. Djalal's leadership. This Regent of the second and third period is also close to the conservative group, especially *nahdliyin*. With regard to religious policy, he is also not as good as the previous one. Even in his period of leadership, a number of sharia nuance Local Regulations and Regent Regulations are enacted in response to his constituents from the conservative *nahdliyin*. Among the concerned Local Regulations are the *Perda Anti-maksiat* (Anti-immoral local regulation) which is followed up with closing of localization/prostitution center in Puger sub-district (2005), Regent Regulation of formalization of Al-Qur'an Reading and Writing and Muslim Clothing for SLTP and SLTA students through school curriculum, and others. The result of survey conducted by the Freedom Institute confirms that most of the political and

religious elites in Jember (80.0% (2007) and 84 % (2008)) argue that prostitution regulation is necessary. Meanwhile, only 20.0% (2007) and 16.0 % (2008) consider it unnecessary. They also argue that if prohibition of prostitution is not regulated with the existing Criminal Codes, what is needed is Islamic law based local regulation (60.0% (2007) and 76% (2008)). They argue that it is sufficient for this issue to be regulated with Criminal Codes (36.0% (2007) and 24% (2008) (Fauzi & Mujani, 2009).

In cooperation with MUI, the local government plays a discriminative role in regulating various ethno-religious conflicts. For example, in the settlement of invasion of *pesantren* Rabbani case in Summersari sub-district by surrounding society under issue of dissemination of heresy and conflict between *nahdliyin* and leader of a *pesantren* accused as Shia follower in Puger sub-district (2012), the local government tends to make a policy as the decision made by MUI together with government institutions and other religious organizations (Ministry of Religious Affairs, FKUB/Religious Harmony Forum, NU, Muhammadiyah). As commonly known, MUI has issued a strict fatwa that Shia is considered a non-Islamic group with heretic teaching. In this context, the government's reluctance to effectively protect religious minority opens the chance for the conservative and radical groups to perform discriminative and even repressive acts against other minority (Mietzner, 2012; Hamayotsu, 2013).

Meanwhile, the liberal-progressive group has limited access to traditional institution (such as NU *pesantren*, kyai and organization), or other state based religious organization (such as MUI) since they are generally critical of traditional religious authorities as well as their conservative interpretation of Islam. Moreover, the progressive groups, particularly from NU, also have limited access to and network with strong politicians in the parliament, government and other state institutions. This condition makes them unable to play optimal role in struggle for the tolerance, pluralism, religious freedom, and democracy agenda

(Hamayotsu, 2013). Empirically, the overview of marginality NU reformist elements in power and decision making domain, as in the cases in Jember, may be observed from the following informant's statement:

public intellectuals and activists from among *santri* who have critical discourse basis are not involved much in power management. Recruitment of human resources by new ruling regime is still based on a principle of political contribution instead of competence. They who have critical discourse, idealistic ideas and professional competence are not much *kanggo* (red: used) by ruling regime. They lose competition to bureaucrats, politicians and those who contribute to winning the ruling power. This involvement of mediocre individuals confirms even more the fact that power management is no longer an event of strengthening "meritocracy" (governance by those capable), but becomes the catalyst for "mediocrity" (governance by those mediocre (interview with Ahmad Taufik, 1/11/2017)

Just like the New Order's character, local government after the New Order also tends to prioritize religious policy which emphasizes social stability instead of arrangement of religious life based on tolerance, pluralism and/or democracy principles. This confirms the fact that the government's commitment to giving religious protection and freedom, particularly to minority groups like Shia, is not really high. Based on the cases in Jember, there is an interesting lesson that the small conservative group has the capability to influence public and political life. Similar case also occurs in various areas with sectarian conflict <sup>43</sup> such as Sampang (Madura) where conservative groups have important influence and role in influencing discriminative public policies (IPAC, 2016; Mustamir, 2015; Wahyudi, 2015). This conservative groups' dominance certainly limits the capability of Islamic liberal-progressive civil society to promote Islamic democratic ideas. In such a context, it is not impossible that religion is often interpreted and implemented pursuant to the conservative groups' interpretation. In Hefner's language, without freedom, religion is clearly at risk of getting corrupted by groups claiming as the defender of faith (Hefner, 2013).

## CONCLUSION

This article has shown that, contrary to some accounts, the decline of civil Islam activism <sup>47</sup> in Post New Order Indonesia, was not only the result of oligarch political elites domination in power structure as well as democratic institutions. On the contrary, the emergence of non-powerful New political regimes as a result of democratic elections, as case in Jember, did not automatically provide a great opportunity for progressive Islamic civil groups to consolidate their forces. Instead, this research data has demonstrated that their activism were declining rather than increasing due to social and political fragmentation. As a civil Islam organization, NU is prone to political temptation by indirectly getting involved in local power contestation and political intervention from local government's power agents. Similarly, many administrators of organizations which are structurally or culturally affiliated to NU such as *Muslimat*, *Fatayat*, *Ansor*, and others are involved in competition and fight over local power.

The other factor with important contribution to deconsolidating the progressive role of civil Islam after the New Order is strengthening of conservative wing in this internal organization or community in particular and in Indonesian Muslim in general. However, the strengthening authority of NU conservative wing marks their dominance over the progressive wing's power in this Islamic civil organization's body. Although there is no open conflict between the conservative faction and the progressive faction in NU, as the case in 1980s, but the progressive group's decline in prestige and reputation is their political defeat in struggle for democratization agenda versus Islamization which is the concern of its competing group's struggle.

The strengthening influence and role of the conservative groups in NU, however, seriously implicates in the declining quality of democracy, particularly regarding tolerance and freedom in religion or faith, particularly for the minority groups. Instead of getting

protected and having freedom to express their religious belief in public space, they remain in subordinate position just like in previous periods. The sectarian violence cases experienced by the minority groups, such as the religious violence case occurring to Shia community in Jember in 2012, is the indicator of strengthening intolerance in public space in the democracy era after the New Order.

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